

**VPDES General Permit Regulation For Non-Contact Cooling Water Discharges of 50,000
Gallons Per Day or Less, 9VAC25-196**

Summary of Significant Changes From the 2008 General Permit

This general permit replaces the 2008 Non-contact Cooling Water Facilities General Permit (VAG25) which was issued for a five-year term on March 2, 2008. The changes to the regulation were made to make this general permit similar to other general permits issued recently, and in response to Technical Advisory Committee (TAC) suggestions and staff requests to clarify and update permit limits and conditions.

Changes Since the Proposed Stage

Following is the change that was made to the regulation after the proposed regulation was published in the Virginia Register for the public comment period:

Section 60 B- Late registration statements. Modified this section to clarify the late registration statement provision and to more clearly define when an owner qualifies for "administrative continuance" of the general permit coverage.

Significant Changes from the 2008 Regulation

Following is a list of the significant changes from the 2008 regulation:

Section 50 - Authorization to Discharge, Subsection B. Added two reasons why a facility's discharge would not be eligible for coverage under the permit: (1) If the discharge violates or would violate the antidegradation policy in the Water Quality Standards at 9VAC25-260-30, and (2) If the discharge is not consistent with the assumptions and requirements of an approved TMDL. These restrictions on coverage are being added to all general permits as they are reissued.

Section 50 - Authorization to Discharge, Subsection G. Added language to allow for administrative continuance of coverage under the expiring general permit until the new permit is issued by the Board, and coverage is either granted or denied. The permittee must submit a timely and complete registration statement prior to the expiration date of the existing permit, and be in compliance with the terms of the expiring permit in order to qualify for continuance. This language is being added to all general permits as they are reissued so permittees can discharge legally and safely if the permit reissuance process is delayed.

Section 70 - General Permit, Part I A.

- **Effluent Limits Table 1.** Set the monitoring period for this limit set to the first four years of the permit. Changed the monitoring for copper, silver and zinc from "Total Dissolved" to "Total Recoverable".
- **Effluent Limits Tables 2 and 3.** Added two effluent limit sets for the last year of the permit, one for discharges to freshwater receiving streams and one for discharges to saltwater receiving streams. These limit sets are basically the same as the Table 1 limits, but include actual effluent limitations for copper, silver and zinc. The previous permit did not limit those metals, but had a "monitoring only" requirement. The technical advisory committee (TAC) for this permit reissuance agreed that limits should be included in this reissuance, but favored a phasing in of the limits until the end of the permit term. This will give facilities time to evaluate their effluent discharge data to determine if there is a problem with these metals, and to make corrections to their system to fix the problem before the limits take effect.

Section 70 - General Permit, Part I B - Special Conditions. Added or modified the permit special conditions as follows:

- Special Condition #4. Modified the special condition regarding discharges to an MS4 by adding that the permittee must submit discharge monitoring reports to both the Department and the owner of the municipal storm sewer system (MS4) if they discharge to the MS4. This special condition was modified at the request of the TAC to inform the MS4 owner of exactly what is being discharged to their system since MS4 owners are ultimately responsible for the discharges from the MS4.
- Special Condition #8. Added a requirement that the permittee report monitoring results using the same number of significant digits as listed in the permit. This requirement spells out the number of significant digits that the permittee must use when reporting monitoring results to the Department, and is being added as necessary to all general permits as they are reissued.
- Special Condition #9. Added a requirement that the permittee implement measures and controls consistent with a TMDL requirement when the facility is subject to an approved TMDL. This special condition language was developed by DEQ TMDL and VPDES Permits staff, and is being inserted into all general permits as they are reissued. The condition was developed since general permit discharges are considered insignificant to the overall TMDL waste load allocation. This special condition allows staff more flexibility to allow permit coverage for discharges without requiring immediate modification of the TMDL. DEQ will track the general permit discharges and once they become significant, the TMDL will be modified to include the load.
- Special Condition #10. Added a notice of termination special condition that spells out the procedures the permittee must follow to terminate permit coverage.
- Special Condition #11. Added a requirement that the permittee control discharges as necessary to meet water quality standards. This requirement was requested to be added by EPA to another recently reissued general permit, and is being added to all general permits as they are reissued.
- Special Condition #12. Added a statement that coverage under this general permit does not relieve the permittee with the responsibility to comply with any other federal, state or local statute, ordinance or regulation. This special condition is already in the regulation "Authorization to Discharge" section, but staff felt it should be repeated in the permit itself to remind the permittee of the responsibility.

Section 70 - General Permit, Part II A - Monitoring. Added clarification that samples taken as required by the permit must be analyzed in accordance with 1VAC30-45, Certification for Noncommercial Environmental Laboratories, or 1VAC30-46, Accreditation for Commercial Environmental Laboratories.